



Entered on Docket  
August 24, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegler", is written over a horizontal line.

Hon. Linda B. Riegler  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Fourth Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Whole or In Part Upon  
Investment In The Mountain House Loan**

Hearing Date: July 26, 2011  
Hearing Time: 1:30 p.m.

The Court having considered the "Fourth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Mountain House Loan." ("Mountain House Loan") [DE 8550] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Mountain House Loan; and  
2 good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8550] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those  
6 claims are based upon an investment in the Mountain House Loan.  
7

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**  
10

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Mountain House  
Multiple Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Mountain House Business Park Loan</b>
10725-02113	12/11/2006	Charles B Dunn IV Trust Dtd 8/12/05	C/O Charles B Dunn IV Trustee 17042 Norlene Way Grass Valley, CA 95949-7161	690,996.08	50,000.00
10725-02290	12/11/2006	Clark, Rosanne L	2350 High Terrace Dr Reno, NV 89509	305,494.48	50,000.00
10725-02038	12/11/2006	Collins Family Trust Dated 1/29/93	C/O Shirley M Collins Trustee 1975 Snowberry Ct Carlsbad, CA 92009-8408	1,760,380.48	50,000.00
10725-02030	12/11/2006	Daniel D Newman Trust Dtd 11/1/92	C/O Daniel D Newman Trustee 125 Elysian Dr Sedona, AZ 86336	1,428,037.34	35,000.00
10725-02267	12/11/2006	Daniel Living Trust As Amended Dtd 1/9/98	Mark A & Cathy A Daniel Trees 20 Redonda Irvine, CA 92620-1954	1,119,987.66	100,000.00
10725-02063	12/11/2006	Dery, James D & Ann R	Husband & Wife 10 Longmeadow Ln Beachwood, OH 44122	2,793,347.72	50,000.00
10725-02282	12/11/2006	Elan Reddell Revocable Trust Dtd 8/4/03	Elan Reddell Trustee 6770 Hawaii Kai Dr #1006 Honolulu, HI 96825	659,407.30	50,000.00
10725-00524	12/11/2006	Fernandes, Jason D & Fiola	4001 Oak Manor Ct Hayward, CA 94542-1445	151,359.38	58,071.84
10725-02143	12/11/2006	Freedus, Michael	2535 Lake Rd Delanson, NY 12053	711,624.20	100,000.00
10725-01972	12/11/2006	Goode, James Paul IRA	C/O First Savings Bank Custodian 92-1500 Makakilo Dr Kapolei, HI 96707	346,669.50	100,000.00

**EXHIBIT A**

2409553.1